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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,217	11/08/2000	Kaneaki Fujishita	6640/60186	8816

7590

10/23/2002

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EXAMINER

GRIER, LAURA A

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/600,217

Applicant(s)

FUJISHITA, KANEAKI

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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DETAILED ACTION

The indicated allowability of claims 7 and 10-13 is withdrawn in view of the newly discovered reference(s) to Wakai et al., U. S. Patent No. 5596647. Rejections based on the newly cited reference(s) follow.

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 4, 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Wakai et al., U. S. Patent No. 5596647.

Regarding **claims 1**, Lee et al. (hereafter, Lee) discloses a recording and reproducing method which includes signal processing (46) for compressing digital audio data which includes non-sound section data, which constitutes zero data, wherein when non-sound data is detected by a controller (56), the non-sound data is coded and represented by block-unit codes, further, wherein the detection is based upon a predetermined period of time (col. 4, lines 55-67 and col. 5, lines 1-8) which reads on the claimed limitations of supplied data, detecting means of zero data, wherein the supplied data is compressed of a decoding process, therein. However, Lee et al. fails to specifically disclose the decoding operation the supplied audio data based on a sync signal. The examiner maintains that such a decoding operation was well known in the art.

Regarding the decoding operation based on a sync signal, in a similar field of endeavor, Wakai et al. discloses a Manchester decoder that decodes zero data based on synchronization signal generated by the decoder, which provides implicit indication of switching the supplied audio data to decoder based upon a sync signal (Col. 21, Lines 55-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Lee by implementing the decoding technique of Wakai et al. for purpose of optimizing the audio decoding process as desired for lessen quantization noise or the like.

Regarding **claim 4**, Lee and Wakai et al. disclose everything claimed as applied above (see claim 1). Lee further discloses memory for storing data (col. 3, line 65-67).

Regarding **claims 6 and 13**, Lee and Wakai et al. disclose everything claimed as applied above (see claims 1 and , respectively). Further, Lee inherently discloses the claimed limitations of repeating the detection of non-sound data (zero data – time, (col. 4, lines 55-67 and col. 5, lines 1-8)).

3. **Claims 5, and 11-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Schnizlein.

Regarding **claims 5, and 11-12**, Lee et al. and Wakai et al. disclose everything claimed as applied above (see claim 1). However, Lee et al. and Wakai et al. fail to specifically disclose a muting means. The examiner maintains that such muting means was well known in the art.

Regarding the muting means, in a similar field of endeavor, Schnizlein discloses a system and method for implementing a mute voice signal upon reception of an ADPCM zero nibble in wireless communications. Schnizlein disclosure comprises a processor for releasing a mute signal upon zero detection for predetermined period of time (col. 1, lines 32-42 and col. 2, lines 3-37).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Lee by incorporating a muting means for the purpose of generating a

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mute signal upon zero detection of decoded compressed data, thus suppressing noise and other interferences to improve audio quality.

*Allowable Subject Matter*

4. **Claim 10** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

5. Applicant's arguments with respect to claims 1 and 4-7 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essentially argues that prior art previously used, fails to disclose the claim limitations as amended. The examiner accepts the applicant's response. However, the examiner has provided new prior art that discloses the claimed invention as indicated in the Office Action above.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231


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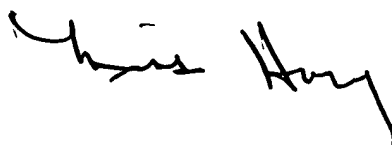
Or faxed to:

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG   
October 21, 2002



**MINSUN OH HARVEY  
PRIMARY EXAMINER**